

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to license and regulate tow businesses that engage in non-consensual towing of vehicles from a parking lot, and to place requirements and restrictions on the manner in which non-consensual towing may be performed.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Title IV of the "Revised Code of the Consolidated City and County," regarding business and commercial regulations and licenses, hereby is amended by the addition of a NEW Chapter 995 regarding non-consensual tow businesses, to read as follows:

Chapter 995

**NON-CONSENSUAL TOW BUSINESSES**

**ARTICLE I. PURPOSE AND DEFINITIONS; REGULATIONS**

**Sec. 995-101. Purpose.**

The purpose of this chapter is to protect the public from unconscionable practices associated with non-consensual towing of vehicles from a parking lot, by means of the licensure of businesses engaged in this activity together with restrictions and requirements on the manner in which non-consensual towing may be performed.

**Sec. 995-102. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section unless otherwise indicated clearly by text.

*Non-consensual tow* means the towing, by a tow business or tow truck operator, of a vehicle trespassing on a parking lot, made at the request of the property owner or the owner's authorized agent, without prior consent or authorization by the vehicle's owner. Notwithstanding the foregoing, the following are not included within the definition of a non-consensual tow:

- (1) A tow initiated from a parking lot, as a result of a vehicular accident or law enforcement investigation, by a representative of the city or by any law enforcement officer; or
- (2) A tow initiated from a parking lot by a college or university, provided that the college or university is accredited by the North Central Association, and further provided that the governing board of the college or university has adopted regulations applicable to vehicular parking on its parking lots.

*Parking lot* means and includes:

- (1) A vehicular parking lot built for, or provided to, patrons or staff of a business or other organization;
- (2) A commercial parking facility defined in section 931-101 of the code;
- (3) A vehicular parking lot provided for tenants of multifamily dwellings; or
- (4) Vehicular parking provided by the property owner of a vacant or undeveloped lot.

*Property owner* means a person who exercises dominion and control over real property, including, but not limited to, the legal title holder, lessee, resident manager, property manager, or other agent who has legal authority to bind the owner.

*Tow or towing* means the act of attaching, lifting, pulling, or dragging any vehicle behind a tow truck that is doing such attaching, lifting, pulling, or dragging.

*Tow business* means a person or commercial entity that is engaged in, or offers, the service of towing or otherwise removing vehicles from one place to another by the use of a tow truck.

*Tow business license* means a license issued by the bureau of license and permit services to a business engaged in non-consensual towing of vehicles which originate within the city.

*Tow truck or tow vehicle* means any motor vehicle used for the purpose of towing or removal of vehicles.

*Tow truck operator* means the driver or operator of any tow truck.

*Vehicle* means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, and watercraft of any type designed to transport one or more persons.

*Vehicle's owner* means the vehicle's registered owner, an authorized agent of the registered owner, or the driver of the vehicle.

#### **Sec. 995-103. Authority to promulgate regulations.**

The license administrator is authorized to make and promulgate reasonable and necessary regulations to carry out provisions of this chapter as provided for by section 801-201 and chapter 141 of this Code.

### **ARTICLE II. LICENSE**

#### **Sec. 995-201. License required; exception; fee.**

(a) It shall be unlawful for a tow business that performs non-consensual towing to perform a towing service originating within the city without first having been issued a license therefor by the bureau of permit and licensing services. The requirement for this license is made without regard to whether or not the towing business is physically headquartered within the boundaries of the city.

(b) Notwithstanding the provisions of subsection (a) of this section, a tow truck business that merely transports a vehicle through the city is exempt from this licensing requirement, provided that the tow does not originate within the city.

(c) The fee for a tow business license shall be provided in section 131-501 of the Code.

#### **Sec. 995-202. Emergency waiver.**

In the event of an emergency that requires the utilization of a greater number of tow businesses than are licensed, the mayor by executive order may waive all tow business license requirements for a period of time not to exceed seven (7) days in which such emergency exists.

#### **Sec. 995-203. License application.**

(a) *In general.* Upon application for a tow business license, a tow business shall provide the following information to the bureau, in addition to the information required under section 801-203 of the code:

- (1) The tow business's taxpayer identification number;
- (2) The telephone number and e-mail address of the primary place of business;

- (3) The address, telephone number, and hours of operation of any vehicle storage facility where towed vehicles will be towed and stored;
  - (4) A telephone number where the principal owner(s) of the tow business can be reached in the event of an emergency;
  - (5) A copy of the vehicle registration for all tow vehicles owned, operated or otherwise controlled by the tow business; and
  - (6) The name of each person employed or contracted by the tow business as a tow truck operator.
- (b) *Insurance.* Upon application for the tow business license, a tow business shall provide proof of insurance, in an amount approved by the license administrator, as evidenced by a certificate of insurance that shows the following insurance coverage:
- (1) General liability insurance ("occurrence" based policy);
  - (2) Automotive liability;
  - (3) Garage keeper's insurance; and
  - (4) Workers' compensation insurance that meets Indiana statutory requirements.

The bureau must be provided notice in the event of cancellation or non-renewal of any of the above policies of insurance. The bureau must also be provided notice regarding any changes, amendments or endorsements in the above policies. A copy of all new or amended policies must be provided to the bureau within fifteen (15) days of the issuance of any new policies or amendments to any existing policies.

(c) *Tow truck operators.* Upon application for the tow business license, a tow business shall provide a copy of the state-issued valid driver's license of each person employed or contracted by the tow business to work as a tow truck operator.

(d) *Vehicle storage facilities.* The issuance of a tow business license is contingent upon the license administrator's approval of any proof submitted by the tow business that its vehicle storage facilities are secure.

(e) *Amendment.* In the event that information provided to the bureau under this article changes during the term of the license, the tow business shall give written notice of such changes to the bureau within fifteen (15) days of the occurrence of the change.

#### **Sec. 995-205. Tow truck operator identification.**

Upon the issuance of a tow business license, the bureau shall issue identification to each of the licensee's tow truck operators that have been approved by the license administrator. Such identification shall be in a form approved by the license administrator, and must be in the possession of the tow truck operator at all times while operating a tow truck. In the event that a tow truck operator's state-issued driver's license is suspended or revoked, the identification must be surrendered immediately to the license administrator.

#### **Sec. 995-206. Tow business fee schedule.**

(a) A tow business license applicant shall prepare and file with the bureau a schedule of fees, including incidental or associated fees, that the tow business may charge for the towing and storage of vehicles. The schedule must include fees for any service that the applicant may charge; including fees for service that may be requested by a vehicle's owner.

(b) Upon request, a tow truck operator shall present such schedule of fees for examination by a vehicle's owner.

(c) It shall be unlawful for a tow business to charge a fee in excess of, or for services not listed on, the schedule of fees filed with the bureau. A fee schedule filed with the bureau may be changed only upon ten (10) days written notice to the bureau.

**Sec. 995-207. Display of business name and proof of licensure.**

A tow business licensee shall display the name of the business on each of its tow trucks. Each tow truck must display proof of licensure in the manner approved by the license administrator.

**ARTICLE III. NON-CONSENSUAL TOW REQUIREMENTS AND RESTRICTIONS**

**Sec. 995-301. Application.**

The provisions of this article apply only to non-consensual tows that originate in the city.

**Sec. 995-302. Tows from a parking lot.**

(a) It shall be unlawful for a licensed tow business or tow truck operator to tow a vehicle from a parking lot unless the parking lot owner or the owner's authorized agent, present at the time of the tow, signs a contemporaneous specific written authorization for the tow of a vehicle.

(b) The written authorization shall include the following information:

- (1) The make, model, year, vehicle identification number, and license plate number of the vehicle to be towed;
- (2) The address of the parking lot from which the vehicle is to be towed;
- (3) The signature and printed name of the person authorizing the tow;
- (4) A written statement indicating the date and time of the authorization, that the person authorizing the tow is the owner of the parking lot or the owner's authorized agent;
- (5) A written statement affirming that the owner of the parking lot will be liable for any damages which may be awarded to the owner of the towed vehicle if the vehicle is towed improperly;
- (6) A written statement describing why a vehicle was subject to tow; the statement shall describe how the vehicle was parked in a manner inconsistent with posted instructions, how the vehicle interfered physically with the conduct of normal business operations of the person who owns or controls the parking lot, or how the vehicle posed a threat to the safety or security of persons or property; and
- (7) Any other information deemed necessary by the license administrator.

(c) For purposes of subsection (a) of this section, a tow business owner or employee, or tow truck operator, may not act as the parking lot owner's authorized agent.

(d) Notwithstanding the provisions of subsection (c) of this section, a tow business owner or employee, or tow truck operator, may act as the parking lot owner's authorized agent if:

- (1) The parking lot is for multifamily rental dwelling which provides permit parking twenty-four hours a day, seven days a week for its tenants or guests;
- (2) Parking permits, to be placed in vehicles, are provided to tenants at lease signing; a tow business shall obtain an affidavit from the property owner so stating, and it shall be kept pursuant to the provisions of section 995-307;

- (3) The parking permits are made to be easily identifiable and observable from outside the vehicle and;
- (4) Video or photographic documentation to attest to the propriety of the tow is made and kept as part of the authorization required under subsection (b) above.

**Sec. 995-303. Signs required to be posted on parking lot; exception.**

(a) It shall be unlawful for any tow business or tow truck operator to tow a vehicle unless the parking lot in which the vehicle is parked has signage, posted in plain view at each entrance and exit, that has been permanently installed for a minimum of twenty-four (24) hours prior to any vehicle being removed. The license administrator may prescribe additional specifications for the construction, placement, content, lettering and number of required signs.

(b) Notwithstanding the provisions of subsection (a), a vehicle may lawfully be towed if:

- (1) The vehicle's owner is notified that the vehicle is unauthorized to park and is subject to being towed at the expense of vehicle's owner;
- (2) A vehicle is parked in such a manner that it restricts normal operations of a business during its business hours; or
- (3) A vehicle is otherwise unlawfully parked pursuant to this code, state statute, or other law.

**Sec. 995-304. Additional requirements.**

(a) A tow business and a tow truck operator must comply with all applicable federal, state and local law. It shall be unlawful to commit an act in violation of the provisions of this section.

(b) The practice of booting a vehicle to hold it for towing is prohibited.

(c) All vehicles that are towed under this chapter shall be towed directly and continuously to a vehicle storage facility leased or owned by the tow business, and shall not be placed or kept in any temporary holding area.

(d) All vehicles towed must be stored within the county or within a fifteen (15) mile radius of where the tow originated.

(e) A towed vehicle shall be available to be claimed within sixty (60) minutes of its being towed or within thirty (30) minutes of its arrival at a vehicle storage facility, whichever is less, and the vehicle shall be released promptly upon payment of fees and demonstration of proof of ownership such as title or registration of vehicle.

(f) A tow business and tow truck operator shall allow the vehicle's owner a reasonable amount of time to remove or retrieve personal property or possessions that are not affixed, from a vehicle. The retrieval of possessions may be at the scene of the tow or at the vehicle storage facility prior to payment. A tow business or tow truck operator is prohibited from charging a fee for this retrieval or to refuse to allow retrieval of such possessions.

(g) A release or waiver of liability of any kind is prohibited as a condition of the release of the vehicle. A tow business may require proof of identification of the person retrieving a vehicle. The person retrieving the vehicle is not required to be the owner of the vehicle.

**Sec. 995-305. Towing and storage fees.**

(a) It shall be unlawful to charge any fee associated in any way with the towing and storage of a vehicle under this chapter, except as follows:

- (1) For the towing of a vehicle, the maximum fee shall be One Hundred and Fifty Dollars (\$150.00);

- (2) For the storage of a towed vehicle, the maximum fee for each twenty-four (24) hour period of storage shall be Thirty Dollars (\$30.00); provided, however, that a storage fee may not begin to accrue until twenty-four (24) hours have passed since the vehicle arrived at the vehicle storage facility; or
- (3) A tow business is permitted to require proof of insurance for the vehicle if the owner wishes to drive the vehicle from the storage facility. Tow business is prohibited from denying release of the vehicle based on proof of insurance but may charge a set out fee not to exceed twenty-five dollars (\$25.00) for removing vehicle from storage facility.
- (b) This fee limitation does not restrict fees being charged for other services that may be requested by the vehicle's owner.
- (c) The license administrator may review and adjust the fee limitations provided in this section by the promulgation of a regulation.
- (d) Notwithstanding the provisions of subsection (a) of this section, the fee limitation does not apply to a towed vehicle having a gross vehicle weight of 13,000 lbs. or greater.
- (e) If it is determined that a vehicle is towed in violation of this chapter, towing and storage fees which have been paid may be recovered by the vehicle's owner. Liability for damage to a towed vehicle is not limited by the provisions of this chapter.
- (h) It is unlawful for a person, including a tow business or tow truck operator to offer, pay, or rebate money or other valuable consideration to the owner of a parking lot for the authority to tow vehicles from that owner's parking lot.
- (i) When the vehicle's owner is present and desires to remove the vehicle from a parking lot before it is towed, the vehicle shall not be towed nor a fee charged; however, if a tow truck is attached to the offending vehicle and at least two (2) tires have been lifted off the ground at the time the vehicle's owner arrives, the vehicle shall not be towed but shall be released to the owner upon cash payment of a reasonable fee, not to exceed one half of the regular towing fee in lieu of towing the vehicle.

**Sec. 995-306. Vehicle storage facility requirements; method of payment; receipt.**

- (a) It shall be a violation of this code to commit any act in the city that is not in compliance with the provisions of this section.
- (b) A tow business that tows a vehicle under this article shall provide:
  - (1) At the vehicle storage facility either an attendant who is on site twenty-four (24) hours per day, seven (7) days per week excluding holidays, to return any vehicle claimed by the vehicle's owner, upon the payment of towing and storage charges; or
  - (2) A conspicuously located and well lighted sign at the vehicle storage facility that states the telephone number where the owner, manager, or attendant of the vehicle storage facility may be reached at any time twenty-four (24) hours per day, seven (7) days per week, excluding holidays, so that a towed vehicle may be claimed in a minimum amount of time, not to exceed sixty (60) minutes.
- (c) A tow business that tows a vehicle twenty (24) hours before a holiday or during a holiday must adhere to the provisions of this section to allow a vehicle to be retrieved on a holiday.
- (d) Storage fees shall not accrue for any day in which a storage facility is not open for vehicle redemption.
- (e) A tow business that tows a vehicle under this article shall accept payment for towing and storage fees by any of the following forms of payment:

- (1) Cash in United States currency;
  - (2) Travelers' checks or money orders payable in United States currency; or
  - (3) Debit cards and all major credit cards including Visa, MasterCard, Discovery, and American Express. An additional charge shall not be imposed for the use of a debit or credit card.
- (d) Upon payment of authorized towing and storage fees, a tow business that tows a vehicle under this article shall provide a receipt to the vehicle's owner that contains the following information:
- (1) The name and address of the tow service business;
  - (2) The address from which the vehicle was towed;
  - (3) The date and time that the vehicle was towed;
  - (4) The date and time that the vehicle entered the facility at which it was placed for storage;
  - (5) An itemized list of all the fees that are being charged; and
  - (6) A name of the property owner or authorized agent who requested the tow.

**Sec. 995-307. Records required to be kept.**

(a) A tow business shall be required to submit information in electronic format to the city's centralized reporting system pertaining to towed vehicles pursuant to regulations established under this article.

(b) A tow business shall maintain a copy of any agreement with a parking lot owner that authorizes the towing of vehicles.

(c) A tow business shall maintain a legible record, in a written or electronic form approved by the license administrator, which shall show the following information for each vehicle that it towed under the provisions of this chapter:

- (1) The written authorization for the tow described in section 995-302;
- (2) The date and time that the vehicle was towed;
- (3) The date and time that the vehicle entered the facility at which it was placed for storage; and
- (4) The towing and storage fees actually charged.

(d) Records under subsection (b) and (c) above shall be maintained for a period of two (2) years from the date of each tow, and shall be made available for inspection by the city during normal business hours.

**ARTICLE IV. ENFORCEMENT**

**Sec. 995-401. Enforcement and penalties.**

Any violation of this chapter shall be subject to the enforcement procedures and penalties provided in section 103-3, and in article IV of chapter 801, of this Code.

SECTION 2. Section 131-501 of the "Revised Code of the Consolidated City and County," regarding the schedule of license and permit fees, hereby is amended by the addition of the language that is underscored, to read as follows:

**Sec. 131-501. Schedule of license and permit fees.**

The following fees are established for their respective licenses and permits issued by the city or county.

<i>Code Section</i>	<i>License or Permit</i>	<i>Fee</i>
441-364	Operation of certain trucks on certain streets	\$162.00
536-211	Transfer of building permit	\$48.00
536-602	Construction or placement of, or additions to, Class 2 structures for a primary Class 2 structure	For structures less than or equal to 1,000 square feet, a minimum fee of two hundred and seventeen dollars (\$217.00); for each additional 500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply. Square feet calculation shall include the area of an attached garage or carport and the area of a finished basement or attic, but exclude the area of an unfinished basement or attic
536-602	Accessory Class 2 structure appurtenant to a primary Class 2 structure	For accessory structures less than or equal to 200 square feet a fee of forty-two dollars (\$42.00). For accessory structures greater than 200 square feet and less than or equal to 1,000 square feet, a minimum fee of one hundred and ninety-three dollars (\$193.00); for each additional 500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-602	Construction or placement of, or additions to, Class 1 structures	For structures less than or equal to 2,500 square feet, a minimum fee of three hundred and fifty-one dollars (\$351.00); for each additional 1,000 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-603	Remodeling, alteration, or repair of Class 2 structures; provided, however, that when remodeling, alteration, or repair of a Class 2 structure is accomplished at the same time as an addition to an existing structure, a single permit fee shall be determined according to section 536-602	For structures less than or equal to 1,000 square feet, a minimum fee of one hundred and fifty-nine dollars (\$159.00); for each additional 500 square feet, an additional fee of thirty-nine dollars (\$39.00) shall apply
536-603	Remodeling, alteration, or repair of Class 1 structures	For structures less than or equal to 2,500 square feet, a minimum fee of two hundred and fifty-seven dollars (\$257.00); for each additional 1,000 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-604	Installation of a plumbing system in a new Class 2 structure	For structures less than or equal to 2,500 square feet, a minimum fee of one hundred and eighty-five dollars (\$185.00); for each additional 500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-604	Installation or alteration of a plumbing system in a Class 1 structure	For the first ten (10) fixtures installed, a minimum fee of one hundred and eighty-two dollars (\$182.00); for each additional five (5) fixtures, an additional fee of twenty-three dollars (\$23.00) shall apply



536-604	Alteration, repair or replacement of plumbing in an existing Class 2 structure	For structures less than or equal to 1,000 square feet, a minimum fee of one hundred and fifty-three dollars (\$153.00); for each additional 500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-604	Initial connection or reconnection of plumbing to a structure that has been removed from one (1) location and is being placed at another location or to a factory constructed building	\$134.00
536-605	Installation of an electrical power distribution system in a new structure or in an addition to an existing structure other than a Class 2 structure	For structures less than or equal to 2,500 square feet, a minimum fee of two hundred and two dollars (\$202.00); for each additional 1,000 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-605	Repair, alteration or remodeling of an electrical power distribution system in an existing structure, or in an addition to a Class 2 structure	For structures less than or equal to 1000 square feet, a minimum fee of one hundred and sixty-nine dollars (\$169.00); for each additional 500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-605	Installation or replacement of space heating equipment using electricity as its primary source of energy	For structures or affected areas less than or equal to 10,000 square feet, a minimum fee of one hundred and forty-six dollars (\$146.00); for each additional 2,500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-605	Installation or replacement of space cooling equipment using electricity as its primary source of energy	For structures or affected areas less than or equal to 10,000 square feet, a minimum fee of one hundred and forty-six dollars (\$146.00); for each additional 2,500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-605	Installation or replacement of combined space heating and space cooling equipment using electricity as their primary source of energy	For structures or affected areas less than or equal to 10,000 square feet, a minimum fee of one hundred and seventy-eight dollars (\$178.00); for each additional 2,500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-605	Initial connection or reconnection of electrical power to a structure that has been removed from one (1) location and is being placed at another location or to a factory constructed building	\$89.00
536-605	Installation, alteration, replacement or repair of a system distributing electrical power to service equipment supplying power to manufactured home located in a manufactured home park	\$498.00
536-605	Obtaining each "electrical craft work certificate of compliance" form, as allowed in subsection 536-404(b)	\$22.00

536-606	Installation, replacement, or addition of a heating system, space heating equipment or other types of heating transfer, or installation, replacement, alteration, or addition of duct work only	For structures or affected areas less than or equal to 2,500 square feet, a minimum fee of one hundred and fifty-three dollars (\$153.00); for each additional 1,000 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-606	Installation, addition or replacement of a cooling system, space cooling equipment, or other types of cooling transfer, or installation, replacement, alteration, or addition to duct work only	For structures or affected areas less than or equal to 2,500 square feet, a minimum fee of one hundred and fifty-three dollars (\$153.00); for each additional 1,000 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-606	Installation, replacement, or addition of combined heating systems and cooling systems, combined space heating equipment and space cooling equipment, or other types of heating or cooling transfer, or installation, replacement, alteration, or addition of duct work only	For structures or affected areas less than or equal to 2,500 square feet, a minimum fee of one hundred and eighty-five dollars (\$185.00); for each additional 1,000 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-606	Refrigeration equipment	\$156.00
536-607	Demolition or removal of primary Class 2 structures located on the same premises	\$127.00
536-607	Demolition or removal of accessory Class 2 structure	\$94.00
536-607	Demolition or removal of Class 1 structures with ground floor area of less than two thousand and five hundred (2,500) square feet	\$141.00
536-607	Demolition or removal of Class 1 structures with ground floor area equal to or greater than two thousand and five hundred (2,500) square feet, but less than five thousand (5,000) square feet	\$199.00
536-607	Demolition or removal of Class 1 structures with ground floor area equal to or greater than five thousand (5,000) square feet, but less than ten thousand (10,000) square feet	\$231.00
536-607	Demolition or removal of Class 1 structures with ground floor area equal to or greater than ten thousand (10,000) square feet	\$292.00
536-607	Demolition or removal of smokestacks, aboveground storage tanks, overhead hoppers, or other similar structures	\$296.00
536-608	Master permit	The sum of the applicable fees
536-609	Administrative fee	\$215.00
536-610	General service activity permit fee	\$89.00

536-612	General construction permit, where not specified by chapters 536 or 131 of this code	\$170.00 for Class 1 structures; and \$141.00 for Class 2 structures
536-615	Amendment of a building permit that requires submittal of additional plans	\$101.00
536-616	Building permit renewal after expiration	\$56.00
536-619	Additional service fee for applying for all demolition, master, sign, structural, and infrastructure related permits	\$32.00
536-620	Plan review of a primary or accessory Class 2 structure. Review includes appropriate structural and mechanical plan review	Eighty-five dollars (\$85.00) for structures less than 1,000 square feet. For each additional 500 square feet an additional fee of twenty-one dollars (\$21.00)
536-620	Plan review of Class 1 structures. Review includes appropriate structural and mechanical plan review	Three hundred and forty-six dollar (\$346.00) initial fee; review time in excess of three (3) hours shall be billed at a rate of ninety-one dollars (\$91.00) per hour in addition to the initial fee
536-620	Accelerated plan review of Class 1 structures. Review includes appropriate structural and mechanical plan review	\$316.00 per hour
575-7	Administrative fee for abatement of environmental public nuisance	\$288.00
601-8	Operation of sanitary landfill	\$437.00
645-548	Transfer of right-of-way overhead or subsurface use permit	\$48.00
645-579	Encroachment	\$360.00
671-22	Extension, amendment, or transfer of sewer connection permit	\$56.00
671-122	Private disposal facility	\$100.00
671-159	Extension of sanitary sewer construction permit	\$56.00
671-167	Amendment of sanitary sewer construction permit	\$56.00
671-170	Transfer of sanitary sewer construction permit	\$56.00
801-310	Administrative fee – licensing	\$215.00
807-203	Adult entertainment business	\$377.00
811-213	Alarm business	\$250.00
831-2	Amusement location	\$207.00
836-2	Kennel, pet shop, or stable	\$200.00
875-701	New listing or license for a sole proprietor, partnership or corporation as a general contractor, or for licensing a person, sole proprietor, partnership or corporation as an electrical contractor, heating and cooling contractor or wrecking contractor	\$247.00 for a business entity; and \$377.00 for an individual

875-701	Renewal of a listing or license for a sole proprietor, partnership or corporation as a general contractor, or for licensing a person, sole proprietor, partnership or corporation as an electrical contractor, heating and cooling contractor or wrecking contractor	\$247.00
875-701	Registration of state licensed plumbing contractors who are sole proprietors, and individuals within a corporation who are eligible to secure permits	\$142.00
875-701	Additional names of persons eligible to secure permits for a contractor	\$63.00
881-7	Dance permit	\$209.00
881-7	Annual dance license	\$335.00
886-8	Fire extinguisher service company	\$207.00
895-1	Horse-drawn carriage	\$105.00
901-3	Hotel	\$291.00
903-102	Pedal cabs	\$70.00
909-103	Lobbyist	\$100.00
911-6	Massage parlor, bathhouse, escort service, body painting studio or nude modeling studio	\$319.00
911-6	Massage therapist, escort, body painting model or nude model	\$103.00
931-201	Commercial parking facility	\$207.00
936-2	Public pay telephone	\$81.00
951-104	Pawnbroker	\$320.00 for each place of business of licensee
951-404	Dealers in salvage or scrap metal	\$568.00 for each place of business of licensee
955-1	Trash hauling	\$286.00
961-204	Vendor cart in franchise zone or commercial franchise zone	\$99.00
961-209	Vendor cart transfer	\$69.00
961-303	Vendor cart franchise zone drawing	\$40.00
961-503	Special event – application fee	\$32.00
961-503	Special event	\$25.00
961-503	Special event requiring fire department personnel or apparatus	\$100.00
987-102	Transient merchant	\$121.00
995-201	<u>Tow business</u>	<u>\$145.00, and \$21.00 for every five (5) tow truck operators employed or contracted by the licensee</u>
996-25	Taxicab operator	\$59.00
996-47	Public vehicle for hire – per vehicle	\$208.00

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued,

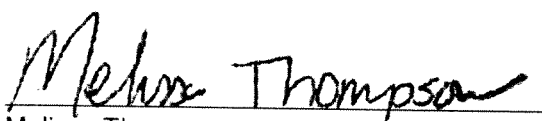
and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14 or August 15, 2011 whichever occurs last.

The foregoing was passed by the City-County Council this 18<sup>th</sup> day of July, 2011, at 8:38 p.m.

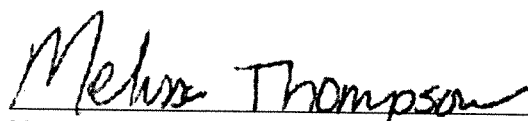
ATTEST:



Melissa Thompson  
Clerk, City-County Council

  
Ryan Vaughn  
President, City-County Council

Presented by me to the Mayor this 20<sup>th</sup> day of July, 2011.

  
Melissa Thompson  
Clerk, City-County Council

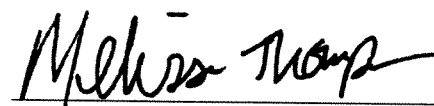
Approved and signed by me this 23<sup>rd</sup> day of July, 2011.

  
Gregory A. Ballard, Mayor

STATE OF INDIANA, MARION COUNTY)  
CITY OF INDIANAPOLIS ) SS:

I, Melissa Thompson, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 157, 2011, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 18<sup>th</sup> day of July, 2011, by a vote of 25 YEAS and 2 NAYS, and was retitled General Ordinance No. 26, 2011, which was signed by the Mayor on the 28<sup>th</sup> day of July, 2011, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 28<sup>th</sup> day of July, 2011.

  
Melissa Thompson  
Clerk, City-County Council

(SEAL)

# MOTION TO AMEND

Proposal No. 157, 2011

Mr. President:

I respectfully move to amend the introductory paragraph of Proposal No. 157, 2011 and SECTION 1 (Sec. 995-101 and Sec. 995-102) by inserting the language that is underscored, to read as follows:

## **INTRODUCTORY PARAGRAPH**

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to license and regulate tow businesses that engage in non-consensual towing of vehicles from a parking lot, and to place requirements and restrictions on the manner in which non-consensual towing may be performed.

## **SECTION 1**

### **Sec. 995-101. Purpose.**

The purpose of this chapter is to protect the public from unconscionable practices associated with non-consensual towing of vehicles from a parking lot, by means of the licensure of businesses engaged in this activity together with restrictions and requirements on the manner in which non-consensual towing may be performed.

### **Sec. 995-102. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section unless otherwise indicated clearly by text.

*Non-consensual tow* means the towing, by a tow business or tow truck operator, of a vehicle trespassing on a parking lot, made at the request of the property owner or the owner's authorized agent, without prior consent or authorization by the vehicle's owner. Notwithstanding the foregoing, the following are not included within the definition of a non-consensual tow:

- (1) A tow initiated from a parking lot, as a result of a vehicular accident or law enforcement investigation, by a representative of the city or by any law enforcement officer; or
- (2) A tow initiated from a parking lot by a college or university, provided that the college or university is accredited by the North Central Association, and further provided that the governing board of the college or university has adopted regulations applicable to vehicular parking on its parking lots.

*Parking lot* means and includes:

- (1) A vehicular parking lot built for, or provided to, patrons or staff of a business or other organization;
- (2) A commercial parking facility defined in section 931-101 of the code;
- (3) A vehicular parking lot provided for tenants of multifamily dwellings; or
- (4) Vehicular parking provided by the property owner of a vacant or undeveloped lot.

*Property owner* means a person who exercises dominion and control over real property, including, but not limited to, the legal title holder, lessee, resident manager, property manager, or other agent who has legal authority to bind the owner.

*Tow or towing* means the act of attaching, lifting, pulling, or dragging any vehicle behind a tow truck that is doing such attaching, lifting, pulling, or dragging.

*Tow business* means a person or commercial entity that is engaged in, or offers, the service of towing or otherwise removing vehicles from one place to another by the use of a tow truck.

*Tow business license* means a license issued by the bureau of license and permit services to a business engaged in non-consensual towing of vehicles which originate within the city.

*Tow truck or tow vehicle* means any motor vehicle used for the purpose of towing or removal of vehicles.

*Tow truck operator* means the driver or operator of any tow truck.

*Vehicle* means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, and watercraft of any type designed to transport one or more persons.

*Vehicle's owner* means the vehicle's registered owner, an authorized agent of the registered owner, or the driver of the vehicle.

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Councillor Hunter